

Comment Letter AS003 Continued

Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
Page 3 of 6

Impact Analysis

As mentioned in the DPEIR/EIS, the Division also recommends the use of the California model Land Evaluation and Site Assessment (LESA) Model for more refined site-specific impact analysis. The Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. These factors are rated, weighted, and combined, resulting in a single numeric score for the project. The project score then becomes the basis for making a determination of a project's potential significance. The model is available on the Department's website under the Division of Land Resource Protection's page.

Section 3.8.1(B) discusses the method for evaluating impacts to agricultural resources. The DEIR/S provides a general analysis of impacts associated with the proposed project (high speed rail system), the No Project Alternative and a Modal Alternative (potential improvements to existing highways and airports serving the same intercity travel demand). The proposed project and its Modal Alternative involve the conversion of many acres of valuable farmland, much of it prime and under Williamson Act contract. According to the document the Modal Alternative would convert approximately 1,118 acres, and the HST Alternative would convert 2,559 to 3850 acres. It appears that the farmland acreage that would be converted is underestimated in the document for both alternatives. The method of determining the amount of land that would be converted from agriculture to either project is limited to the actual footprint of either highway expansion or construction of rail lines. The assumptions made were limited to and based on the amount of area that would be physically occupied by both projects, but the document does not discuss indirect impacts, and it indicates in the impact analyses that these acreages are conservative. The analyses do not consider the construction of ancillary facilities and supporting infrastructure, nor does the document address growth-inducing impacts. Consistently in the history of the state, when workers are offered quick and reliable transportation to job centers, lower cost lands further from those job centers are developed for housing. Since most of the lands further from job centers are currently agricultural lands, the project's potential for growth inducement may have a significant impact on agricultural land conversion. The document also does not take into consideration disturbances, permanent or temporary, caused by construction activities, and does not discuss impacts associated with airport expansions that are briefly discussed as part of the Modal Alternative. These potentially significant impacts should be discussed in the Final EIS/EIR.

Mitigation Measures for Project Impacts on Agricultural Land

The Abstract notes that mitigation strategies are described for a variety of environmental impacts, including impacts on agricultural lands, and that these strategies would be further refined in project-level environmental review.

Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
Page 4 of 6

The DPEIR/EIS notes that mitigation would be based first on avoidance and that mitigation for site-specific impacts would depend on various factors. Feasibility of mitigation measures is uncertain and cannot be determined at the program level.

The Division recommends that although discussion of implementation of specific mitigations may be premature, the project should provide for the adoption of different mitigations. For example, if sufficient funding is not allotted for mitigation of agricultural land loss, mitigation measures such as purchase of conservation easements may not be economically feasible. However, the Division considers the conversion of agricultural lands involved in a project of this magnitude to be significant and that all feasible mitigation measures be implemented. As the document does not propose any definitive mitigation of impacts resulting from the loss of agricultural resources, we would be pleased to meet with the project proponents to identify acceptable and effective approaches to mitigation.

Impacts Associated with Other Projects

How do other proposed projects, such as the proposed California-Nevada high-speed Maglev project cumulatively affect agricultural resources in the state?

Acquisition

It is important to note that if lands are to be acquired, the notification provisions of the Williamson Act under Government Code Section 51291 require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted lands for a public improvement. Such notification must occur when it appears that land enrolled in a Williamson Act contract may be required for a public use, being acquired, the original public improvement for the acquisition is changed, or the land acquired is not used for the public improvement. The governing body responsible for the administration of the agricultural preserve must also be notified.

Discussion of Conservation Easements

The DPEIR/EIS provides a discussion of conservation easements which may be misleading. The Division recommends that the following descriptive paragraph be substituted for the discussion on Page 3-8.2:

Conservation easements are voluntarily established restrictions that are permanently attached to property deeds, with the general purpose of retaining land in its natural, open-space, agricultural or other condition, while preventing uses that are deemed inconsistent with the specific conservation purposes expressed within the easements. Agricultural conservation easements define conservation purposes that are tied to keeping land available for continued use as farmland. Such farmlands remain in private ownership and the landowner retains all farmland use authority, but the farmland is restricted in its ability to be subdivided or used for non-agricultural purposes, such as urban uses. The

Comment Letter AS003 Continued

Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
Page 5 of 6

Division's California Farmland Conservancy Program (Public Resources Code §10200 et seq.) supports the voluntary granting of agricultural conservation easements from landowners to qualified non-profit organizations, such as land trusts, as well as local governments.

Williamson Act

The DPEIR/EIS provides a description of the California Land Conservation (Williamson) Act on Page 3.8-2. We recommend that the following two paragraphs be substituted for the description of the Act.

The California Land Conservation Act (Government Code §51200 et seq.) of 1965, commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The contract enforceably restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. An agricultural preserve, which is established by local government, defines the boundary of an area within which a city or county will enter into contracts with landowners. Local governments calculate the property tax assessment based on the actual use of the land instead of the potential land value assuming full development.

Williamson Act contracts are for 10 years and longer. The contract is automatically renewed each year, maintaining a constant, ten-year contract, unless the landowner or local government files to initiate nonrenewal. Should that occur, the Williamson Act would terminate 10 years after the filing of a notice of nonrenewal. Only a landowner can petition for a contract cancellation. Tentative contract cancellations can only be approved after a local government makes specific findings and determines the cancellation fee to be paid by the landowner.

The Williamson Act discussion or the discussion in Section 3.8.5, Mitigation Strategies, should also be supplemented with a discussion of the following state policies regarding public acquisition and locating public improvements on lands in agricultural preserves and on lands under Williamson Act contracts (Government Code §51290-51295). Any project specific steps taken to implement these policies should also be discussed.

- State policy to avoid location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land, in agricultural preserves.
- State policy to locate public improvements that are within agricultural preserves on land other than land under Williamson Act contract
- State policy that any agency or entity proposing to locate such an improvement, in considering the relative costs of parcels of land and the development of

AS003-9
cont.

AS003-10

Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
Page 6 of 6

improvements, give consideration to the value to the public of land, particularly prime agricultural land, within an agricultural preserve.

At the project-specific level, we recommend that environmental documents include the following specific information on the agricultural preserves and Williamson Act contracts in the project area:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The document should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- The impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract; i.e., growth-inducing impacts.

The lead agency should also notice the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve (Government Code §51290-51295; attached). The notice should be mailed to:

Mr. Darryl Young, Director
California Department of Conservation
c/o the Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or phone (916) 324-0850. Please send any additional environmental documentation to the Division as it becomes available for review. As stated above, we would be pleased to meet with project and lead agency representatives to discuss or clarify our concerns and provide guidance regarding the development and implementation of mitigation measures.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

Attachment

cc: State Clearinghouse

AS003-10
cont.

AS003-11

Comment Letter AS003 Continued**Public Acquisitions of Lands Under Williamson Act Contract
Government Code Section 51290 to 51295**

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.
- (b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.
- (c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve.

51290.5. As used in this chapter, "public improvement" means facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person, as defined in subdivision (a) of Section 51291.

51291. (a) As used in this section and Sections 51292 and 51295, (1) "public agency" means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) "person" means any person authorized to acquire property by eminent domain.

(b) Except as provided in Section 51291.5, whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve.

In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable contract created under this chapter. The Director of Conservation shall forward to the Secretary of Food and Agriculture, a copy of any material received from the public agency or person relating to the proposed acquisition.

Within 30 days thereafter, the Director of Conservation and the local governing body shall forward to the appropriate public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and those comments shall be considered by the public agency or person. In preparing those comments, the Director of Conservation shall consider issues related to agricultural land use, including, but not limited to, matters related to the effects of the proposal on the conversion of adjacent or nearby agricultural land to nonagricultural uses, and shall consult with, and incorporate the comments of, the Secretary of Food and Agriculture on any other matters related to agricultural operations. The failure by any person or public agency, other than a state agency, to comply with the requirements of this section shall be admissible in evidence in any litigation for the acquisition of that land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication utility facilities within an agricultural

**Government Code Section 51291 to 51295
Page 2**

preserve if that preserve was established after the submission of the location of those facilities to the city or county for review or approval.

(c) When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292. If different from that previously provided pursuant to subdivision (b), the notice shall also include a general description, in text or by diagram, of the agricultural preserve land acquired and a copy of any applicable contract created under this chapter.

(d) If, after giving the notice required under subdivisions (b) and (c) and before the project is completed within an agricultural preserve, the public agency or person proposes any significant change in the public improvement, it shall give notice of the changes to the Director of Conservation and the local governing body responsible for the administration of the preserve. Within 30 days thereafter, the Director of Conservation and the local governing body may forward to the public agency or person their comments with respect to the effect of the change to the public improvement on the land within the preserve and the compliance of the changed public improvements with this article. Those comments shall be considered by the public agency or person, if available within the time limits set by this subdivision.

(e) Any action or proceeding regarding notices or findings required by this article filed by the Director of Conservation or the local governing body administering the agricultural preserve shall be governed by Section 51294.

51291.5. The notice requirements of subdivision (b) of Section 51291 shall not apply to the acquisition of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities.

51292. No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:

(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

51293. Section 51292 shall not apply to:

(a) The location or construction of improvements where the board or council administering the agricultural preserve approves or agrees to the location thereof, except when the acquiring agency and administering agency are the same entity.

(b) The acquisition of easements within a preserve by the board or council administering the preserve.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) The acquisition of either (1) temporary construction easements for public utility improvements, or (2) an interest in real property for underground public utility improvements. This subdivision shall apply only where the surface of the land subject to the acquisition is returned to the condition and use that immediately predated the construction of the public improvement, and when the construction of the public utility improvement will not significantly impair agricultural use of the affected contracted parcel or parcels.

(e) The location or construction of the following types of improvements, which are hereby determined to be compatible with or to enhance land within an agricultural preserve:

Comment Letter AS003 Continued**Government Code Section 51291 to 51295
Page 3**

- (1) Flood control works, including channel rectification and alteration.
- (2) Public works required for fish and wildlife enhancement and preservation.
- (3) Improvements for the primary benefit of the lands within the preserve.
- (f) Improvements for which the site or route has been specified by the Legislature in a manner that makes it impossible to avoid the acquisition of land under contract.
- (g) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.
- (h) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of subdivision (d) of that section.
- (i) Land upon which condemnation proceedings have been commenced prior to October 1, 1965.
- (j) The acquisition of a fee interest or conservation easement for a term of at least 10 years, in order to restrict the land to agricultural or open space uses as defined by subdivisions (b) and (c) of Section 51201.

51293.1. Any public agency or person requiring land in an agricultural preserve for a use which has been determined by a city or county to be a "compatible use" pursuant to subdivision (e) of Section 51201 in that agricultural preserve shall not be excused from the provisions of subdivision (b) of Section 51291 if the agricultural preserve was established before the location of the improvement of a public utility was submitted to the city, county, or Public Utilities Commission for agreement or approval and that compatible use shall not come within the provisions of Section 51293 unless the location of the improvement is approved or agreed to pursuant to subdivision (a) of Section 51293 or the compatible use is listed in Section 51293.

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Conservation. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51292 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against the landowner.

51294.1. After 30 days have elapsed following its action, pursuant to subdivision (b) of Section 51291, advising the Director of Conservation and the local governing body of a county or city administering an agricultural preserve of its intention to consider the location of a public improvement within such agricultural preserve, a public agency proposing to acquire land within an agricultural preserve for water transmission facilities which will extend into more than one county, may file the proposed route of the facilities with each county or city administering an agricultural preserve into which the facilities will extend and request each county or city to approve or agree to the location of the facilities or the acquisition of the land therefor. Upon approval or agreement, the provisions of Section 51292 shall not apply to the location of the proposed water transmission facility or the acquisition of land therefor in any county or city which has approved or agreed to the location or acquisition.

51294.2. If any local governing body administering an agricultural preserve within 90 days after receiving a request pursuant to Section 51294.1 has not approved or agreed to the location of water transmission facilities as provided in Section 51294.1 or in subdivision (a) of Section 51293, the public agency making such request may file an action against such local governing body in the superior court of one of the counties within which any such body has failed to approve the location of facilities or the acquisition of land therefor, to determine whether the public agency proposing

**Government Code Section 51291 to 51295
Page 4**

the location or acquisition has complied with the requirements of Section 51292. If the court should so determine, the provisions of Section 51292 shall not apply to the location of water transmission facilities, nor the acquisition of land therefor, in any of the counties into which they shall extend, and no writ of mandamus shall be issued in relation thereto pursuant to Section 51294. For the purposes of this section, the county selected for commencing such action is the proper county for the trial of such proceedings. In determining whether the public agency has complied with the requirements of Section 51292, the court shall consider the alignment, functioning and operation of the entire transmission facility.

Courts shall give any action brought under the provisions of this section preference over all other civil actions therein, to the end that such actions shall be quickly heard and determined.

51295. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed, or when that land is acquired in lieu of eminent domain for a public improvement by a public agency or person, or whenever there is any such action or acquisition by the federal government or any person, instrumentality, or agency acting under the authority or power of the federal government, the contract shall be deemed null and void as to the land actually being condemned, or so acquired as of the date the action is filed, and for the purposes of establishing the value of the land, the contract shall be deemed never to have existed.

Upon the termination of the proceeding, the contract shall be null and void for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

When an action to condemn or acquire an interest that is less than the fee title of an entire parcel or any portion thereof of land subject to a contract is commenced, the contract shall be deemed null and void as to that interest and, for the purpose of establishing the value of only that interest, shall be deemed never to have existed, unless the remaining interests in any of the land subject to the contract will be adversely affected, in which case the value of that damage shall be computed without regard to the contract. The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken for a public improvement, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the contract may be canceled with respect to the remaining portion or interest upon petition of either party and pursuant to the provisions of Article 5 (commencing with Section 51280).

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the contract is continued on the remaining portion or interest in the land, may satisfy the requirements of subdivision (a) of Section 51282.

If, after acquisition, the acquiring public agency determines that it will not for any reason actually locate on that land or any part thereof, the public improvement for which the land was acquired, before returning the land to private ownership, the public agency shall give written notice to the Director of Conservation and the local governing body responsible for the administration of the preserve, and the land shall be reenrolled in a new contract or encumbered by an enforceable deed restriction with terms at least as restrictive as those provided by this chapter. The duration of the restriction shall be determined by subtracting the length of time the land was held by the acquiring public agency or person from the number of years that remained on the original contract at the time of acquisition.

Response to Comments of Dennis J. O'Bryant, Acting Assistant Director – Department of Conservation, Division of Land Resource Protection, August 4, 2004 (Letter AS003)

AS003-1

The Final Program EIR/EIS has been revised to reference Public Resources Code (PRC) Sections 21060.1 and 21095(a)

AS003-2

Acknowledged.

AS003-3

Please see response AS002-1.

AS003-4

Acknowledged. Use of the Land Evaluation and Site Assessment (LESA) model will be considered during project level environmental review.

AS003-5

To minimize and avoid potential impacts to farmland resources, the highway and airport improvements of the Modal Alternative and the HST alignment options were located within or adjacent to existing transportation corridors to the maximum extent possible. The analysis of potential impacts to farmlands in the Final Program EIR/EIS is conservative and may overstate potential for impact, since the proposed facilities or HST lines were placed primarily adjacent to the existing facilities. However, opportunity exists to utilize portions of the existing transportation rights of way. These opportunities will be investigated and exploited in the project level studies to minimize impacts.

The program level analysis is focused on identifying, avoiding and minimizing potential direct impacts and thus minimizing any associated indirect impacts. Potential indirect impacts will be addressed during the project level environmental review when sufficient detail is available regarding specific alignment location and

facilities placement. Construction methods and associated impacts are generally discussed in Section 3.18.5 of the Final Program EIR/EIS. Growth inducing impacts are discussed in Chapter 5. See also Standard Response 5.2.1. Airport expansions are included in the analysis of potential farmland impacts in Section 3.8 in terms of land area required.

Ancillary facilities such as maintenance yards were considered (possible location options) in the analysis of potential impacts; however, the facilities were not included in the area of potentially impacted farmland on a segment by segment basis to avoid skewing alignment option comparisons. Siting decisions for these facilities would be made during the subsequent project level analysis. All reasonable efforts would be made to avoid impacts to farmland resources in the placement of these facilities.

AS003-6

In the Final Program EIR/EIS, each environmental area (sections of Chapter 3) has been modified to include mitigation strategies that would be applied in general for the HST system. Each section of Chapter 3 also outlines specific design methods and features that will be applied to the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

The detail of engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts to agricultural resources. Only after the alignment is refined and the facilities are fully defined through project level analysis, and avoidance and minimization efforts have been exhausted, will specific impacts and mitigation measures be addressed. Feasibility of mitigation must be determined in relation to specific impacts as considered at the project level.

AS003-7

A Notice of Intent to prepare a Programmatic EIS has been issued by the FRA and the Nevada Department of Transportation for a proposed magnetic levitation rail service between Anaheim, California and Las Vegas, Nevada. Potential impacts will be addressed by the EIS that is being prepared. However, it is anticipated that the California-Nevada High-Speed Maglev project would have relatively little impact on agricultural resources within the state, due to the remote and arid geography and the land uses traversed by most of the proposed route. Study of potential cumulative impacts during future project-level environmental reviews would include impacts related to other high speed rails proposals to the extent they are moving forward, should a decision be made to proceed with the proposed HST system.

AS003-8

Acknowledged. The notification provisions would be followed during subsequent project level environmental review.

AS003-9

See response to Comment AS002-3.

AS003-10

See response to Comment AS002-4.

AS003-11

See response to Comment AS002-5.

Comment Letter AS004



State of California • The Resources Agency

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001

AS004
Arnold Schwarzenegger, Governor

Ruth Coleman, Director

August 19, 2004

Mehdi Morshed, Executive Director
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento CA, 95814

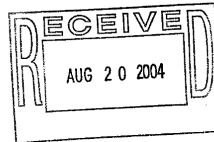
Allan Rutter, Administrator
Federal Railroad Administration
U.S. Department of Transportation
1120 Vermont Ave. N.W. M/S 20
Washington, D.C. 20590

Re: Draft California High-Speed Train Draft Program Environmental Impact Report /
Environmental Impact Statement SCH 2001042045

Dear Messrs. Morshed and Rutter:

The California Department of Parks and Recreation (California State Parks) welcomes the opportunity to comment on the Draft Program Environmental Impact Report / Environmental Impact Statement for California's High-Speed Train System (Draft Program EIR/EIS).

California State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Responsible Agency (PRC § 21069) and a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this project within units of the State Park System. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation. The 1.4 million-acre California State Park System for which we are responsible is currently made up of 278 classified units and major unclassified properties. Of these, we have identified at least 22 that may have resources directly or indirectly impacted by the alternative routes under consideration. Unit classifications in addition to State Parks include State Recreation Area, State Beach, State Historic Park, State Vehicular Recreation Area, State Reserve, Natural Preserve, Cultural Preserve, and State Wilderness. The management approach for any particular unit is based on the unit classification statutes as specified in the Public Resources Code (PRC § 5019.50 - 5019.74) and specific direction provided in the unit's general plan. The statutes set forth the primary purpose of each classified unit, identifies in general what types of facilities and uses may be permitted, and provides direction on how unit resources shall be managed.



Morshed and Rutter
August 19, 2004
Page 2

The California State Park System is not static. As opportunity and resources permit, additions to existing units and new parks are acquired and added to the system. Therefore, in addition to the existing units of the State Park System discussed in the accompanying comments, we are currently considering several acquisition projects that if successful may, prior to the time that your project specific environmental documents are prepared, be potentially impacted by a selected preferred alternative route. For this reason and others, it is important that the High-Speed Rail Authority and the Federal Railroad Administration make particular efforts to consult with this Department throughout future environmental review and project development process.

We appreciate the opportunity provided by the California High-Speed Rail Authority and the Federal Railroad Administration to participate early in the process of environmental document development. We have provided responses to your Notice of Preparation in letters dated May 17, 2001 and March 29, 2002, written comments on the draft Environmental Analysis Methodology on October 11, 2002, and have had California State Park personnel attend most of your Resources Agency meetings. This participation clearly demonstrates that California State Parks is concerned that the proposed project contains alternatives which would result in irreversible damage to the scenic, historic, and natural resources of the State Park System this Department is legislatively required to protect.

The Draft Program EIR/EIS asks that we review the draft and provide you with our expectations for the specific project-level environmental reviews that would follow should the high-speed train alternative be selected. A team of reviewers, including experienced professionals in the fields of anthropology, history, biology, geology, public recreation and a variety of other relevant disciplines, was assembled to review and provide comments on those project activities within our Department's area of expertise for potential environmental impacts of the project on resources and operation of the State Park System (CCR § 15096). In the comments provided below we have focused our comments on environmental information germane to our agency's statutory responsibility. We have structured our comments to address specific issues and geographic areas, rather than in the order they appear in the Draft Program EIR/EIS.

In general, our analysis of the draft environmental document concludes that significant impacts to the resources of the State Park System may result from the adoption of some proposed alternative rail corridor routes. While the public may benefit in a few selected instances where a High-Speed Rail Station brings them into proximity of a State Park System unit, we do not believe that a new form of access outweighs the short and long-term loss of public parklands.

AS004-1
cont.

AS004-1